

Attorney Docket No. 9400-10

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Blake R. Urban et al;

Application No.: 10/601,794

Filed: June 23, 2003

For: TEST UNIT FOR INTERFACE BETWEEN TELEPHONE COMPANY
DEMARCATON POINT DEVICE AND CUSTOMER'S TELEPHONE SYSTEM

Date: February 19, 2004

Office of Patent Legal Administration

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO ACCORD THE PROPER FILING DATE

Sir:

As set forth in 37 CFR § 1.10(c) and MPEP § 506.02, Applicant hereby petitions to grant the proper filing date of June 23, 2003 rather than June 24, 2003 for the above-identified patent application as this was the date the application was deposited as "Express Mail" in the U.S. Postal Service. The following is enclosed as evidence of June 23, 2003 being the correct filing date for the application which was properly filed under 37 C.F.R. § 1.10:

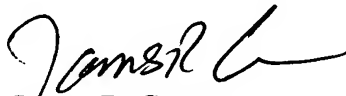
1. A true and accurate copy of the Cover Sheet for the Application showing the Express Mail signature and date on Page 2;
2. A true and accurate copy of the Express Mail Receipt marked by the United States Postal Service ("USPS") as a "date-in" or deposit date with the USPS on June 23, 2003; and
3. A true and accurate copy of our return post card and of the official filing receipt for this application, sent by the United States Patent and Trademark Office, showing that Applicant was improperly given the filing date of June 24, 2003 instead of the Express Mail date of June 23, 2003.

This petition is being filed promptly after Applicant became aware of the improperly accorded filing date. Accordingly, Applicant respectfully requests the granting of June 23, 2003 as the filing date pursuant to 37 CFR § 1.10.

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Application No.: 10/601,794
Page 2

On the basis that Applicant properly followed the requirements of 37 CFR § 1.10 and the USPTO failed to accord the proper filing date under MPEP § 505 and thus the need to file this petition is due to error on the part of the USPTO, it is applicant's belief that no fee is due with this petition. However, the Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted,



James R. Cannon
Attorney For Applicant
Registration No. 35,839

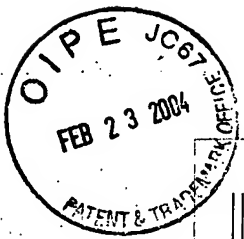
USPTO Customer No. 20792
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Raleigh, North Carolina 27627
Telephone: 919/854-1400
Facsimile: 919/854-1401

Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Office of Patent Legal Administration, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 19, 2004.

Joyce Paoli





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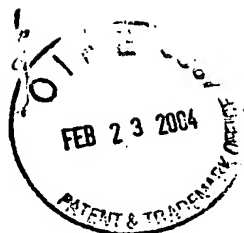
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 9400-10

DATE: June 23, 2003

**UTILITY PATENT APPLICATION TRANSMITTAL LETTER
AND FEE TRANSMITTAL FORM (37 CFR 1.53(b))**

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 CFR 1.53(b) is:

- ☒ a patent application
☐ a Continuation ☐ a Divisional ☐ a Continuation-in-Part (CIP) Application of prior application no.: _____; filed _____, the disclosure of which is hereby incorporated herein by reference in its entirety.
☐ and claims the benefit of Provisional Application No. _____; filed _____.

Inventor(s) or Application Identifier: Blake R. Urban and Kevin Forsberg

Entitled: TEST UNIT FOR INTERFACE BETWEEN TELEPHONE COMPANY DEMARCATION POINT DEVICE AND CUSTOMER'S TELEPHONE SYSTEM

Correspondence Address:



20792

PATENT TRADEMARK OFFICE

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 17 pages of Specification (including 42 claims)
3. ☒ 4 sheets of Formal Drawings (35 USC 113)
4. ☒ Oath or Declaration
 - a. ☒ newly executed (*original or copy*)
 - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 6 Below])
 - c. ☐ DELETION OF INVENTOR(S) (*Signed statement deleting inventor(s) named in the prior application*)
5. ☐ Application Data Sheet. See 37 CFR 1.76
6. ☐ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under

Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

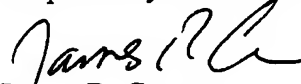
7. ☐ Microfiche Computer Program (*Appendix*)
8. ☒ Assignment papers (*cover sheet(s) and document(s)*)
9. ☐ Applicant claims small entity status. See 37 CFR 1.27.
10. ☐ Information Disclosure Statement, PTO-1449, and _____ references cited
11. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
12. ☐ English Translation Document
13. ☐ Certified Copy of _____ Application No. _____ ; Filed
14. ☐ Sequence Listing/ Sequence Listing Diskette
 - a. ☐ computer readable copy
 - b. ☐ paper copy
 - c. ☐ statement in support
15. ☐ An Associate Power of Attorney
16. ☒ Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
17. ☐ Other:

The fee has been calculated as shown below:

| | Column 1 No. Filed | Column 2 No. Extra | Small Entity Rate Fee | Large Entity Rate Fee |
|---|-----------------------|-----------------------|--------------------------|--------------------------|
| BASIC FEE | | | \$375.00 | \$ 750.00 |
| TOTAL CLAIMS | 42- 20 = | 22 | x 09 = \$ | x 18 = \$ 396.00 |
| INDEP CLAIMS | 5- 3 = | 2 | x 42 = \$ | x 84 = \$ 168.00 |
| <input type="checkbox"/> MULTIPLE Dependent Claims Presented | | | + 140 = \$ | + 280 = \$ |
| <i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i> | | | Total \$ | Total \$1,314.00 |

- ☐ A check in the amount of \$ _____ to cover the filing fee is enclosed.
- ☒ A check in the amount of \$1,354.00 is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
- ☐ Please charge my Deposit Account No. 50-0220 in the amount of \$ _____
- ☐ The Commissioner is hereby authorized to credit overpayments or charge the following fees associated with this communication to Deposit Account No. 50-0220:
- a. ☐ Additional filing fees under 37 CFR 1.16 for presentation of extra claims.
 - b. ☐ Additional patent application processing fees under 37 CFR 1.17.

Respectfully submitted,



James R. Cannon

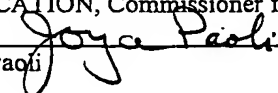
Registration No. 35,839

CERTIFICATE OF EXPRESS MAILING

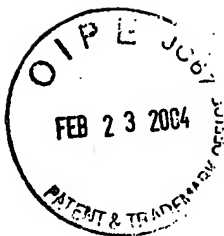
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Date of Deposit: June 23, 2003

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Joyce Paoli

EV353608462US



MS Patent Appl.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

JRC

Date: 6-23-03

Doc. No. 9400-10

Serial No. _____

Inventor: Urban et al

07-10-03 AUG:15 IN
Sir: Kindly acknowledge receipt of the accompanying items listed below

by placing your receiving stamp hereon and return mailing:

☒ Application Transmittal and:

☒ Check \$ 1314.00

☒ Specification pages 17

☐ IDS & PTO-1449 & _____ refs.

☒ No. of Claims 42

☐ Amendment & Amend. Transmittal

☒ Declaration & POA

☐ Preliminary Amendment

☒ Assignment and Fee

☐ Issue Fee

☐ Small Entity Statement

☐ Brief

☒ Formal Drawings/ 4 sheets

☐ Appeal

☐ Associate Power of Attorney

☐ Submittal of Priority Doc.

☒ Exp. Mail ☐ 1st Class Mail

Other: _____

17410 U.S. PTO

10/601794

Respectfully submitted,

MYERS BIGEL SIBLEY & SAJOVEC, P.A.

Attorneys for Applicant



06/24/03